



Department of Energy

Grand Junction Projects Office
Post Office Box 2567
Grand Junction, Colorado 81502-2567

June 21, 1991

Mr. Robert E. Bornstein, On-Scene-Coordinator
Emergency Response Section
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

Dear Mr. Bornstein:

I have reviewed the draft "Action Memorandum" dated May 17, 1991; the data transmitted by your letter dated May 10, 1991; and, the January 24, 1991 letter from the Navajo Nation. Based on my review of the data, an on-site inspection of the Department of Energy (DOE) lease tract and discussions with personnel specializing in the areas of mining, environment, health and safety, the following comments are proffered.

As a brief overview of the involvement of the DOE, the land identified as the south east quarter (SE 1/4) and the south half of the north half (S 1/2 N 1/2) of Section 13, Township 13 North, Range 11 West, New Mexico Principal Meridian located in McKinley County, New Mexico, was withdrawn from the public domain under Public Land Order 964 for the use of the Atomic Energy Commission which was a predecessor agency to the DOE. On October 1, 1973, "Invitation for Bid" 60.8-R-S-2 was issued on a competitive basis for the purposes of development and operation of a uranium mine on the subject property. As a result of the solicitation, lease number AT(05-1)-ML-60.8-NM-B-1 was issued to George Warnock (an individual). Subsequently, Mr. Warnock incorporated the lease under the name of TODILTO Exploration and Development Corporation. The lease was operated during the period of June 1974 through December 1981. Upon cessation of the mining activities, partial reclamation activities were completed on the lease tract as evidenced by the November 19, 1987 Department of Interior letter previously provided to you.

The primary concern I have with the draft "Action Memorandum" is that the concerns associated with the DOE lease tract are not specifically addressed but rather are grouped together with the adjoining property referred to as the Brown-Vanderer mine. Having performed an on-site inspection of the DOE lease tract, I am of the opinion that the DOE has shown very good stewardship of its lease. One minor safety issue was noted and corrective action has been taken to permanently install a barrier to prevent unauthorized or accidental entry into the ventilation shaft located on the eastern portion of the DOE lease tract until such time as the proposed corrective actions set forth below are taken. The only environmental issues noted were the release of radon gas through the various portals and the slightly elevated gamma readings in the area of the former ore stockpile station and mining rubble areas. Therefore, it is important to segregate the issues associated with the DOE lease tract from the surrounding mining activities.

In order to mitigate the concerns associated with the DOE lease tract, I am proposing that the following actions, illustrated in the enclosed drawings, be taken:

1. All inclines and/or declines will be excavated to a depth of four feet and will be plugged with a removable, oversized concrete plug approximately six inches thick and then backfilled and mounded with native material. (See Drawing 1)
2. In the event that the existing timber sets in the raised ventilation/emergency escape structure will not permit the corrective action presented above, then an eight inch reinforced slab will be poured to block the portal and mounded with native material. (See Drawing 2)
3. The area of the former ore stockpile station will be scraped approximately one foot in depth. The material removed from the former ore stockpile station will then be placed in the main portal; a concrete (CMU) wall will be installed and material from the area immediately adjacent to the main portal will be graded against the main portal area. (See Drawing 3)
4. Should any areas remain with gamma readings above the 300 uR/h level, those areas will be posted with tri-lingual signs advising of a potential radiological risk.

It is the opinion of the DOE that the proposed actions described above and illustrated on the enclosed drawings, will adequately mitigate the health risks identified by the Agency for Toxic Substance and Disease Registry and will not preclude the reopening of the mine in the future should the need arise. In addition, the proposed corrective action would also serve as a permanent reclamation (with the possible exception of applying an earth overlay in the area of the main portal to act as shielding material) should the existing lease be terminated in the future.

The proposed timeframe for corrective action would be July - August 1991. However, before any action is taken by the DOE, I would appreciate written concurrence from you for the proposed action. As I have discussed with you in the past, the DOE is aware of its environmental, health and safety responsibilities and is prepared to respond in the appropriate manner when issues are discovered.

It is my understanding that based upon approval from the Environmental Protection Agency (EPA) of DOE's proposed corrective action, the EPA will agree not to include the DOE lease tract within the scope of the emergency

Mr. Robert E. Bornstein

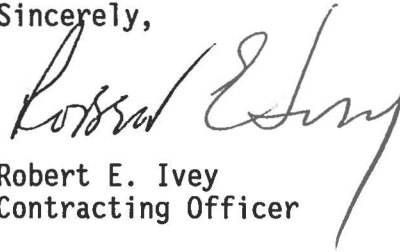
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response action proposed by the EPA for the adjacent areas, which are not within DOE's custody or control. The performance of corrective action by the DOE in the DOE lease tract should not be deemed to be a waiver of any defense or right DOE may have.

Thank you again for your cooperation, and if you have any questions, please call me at 303/248-6003.

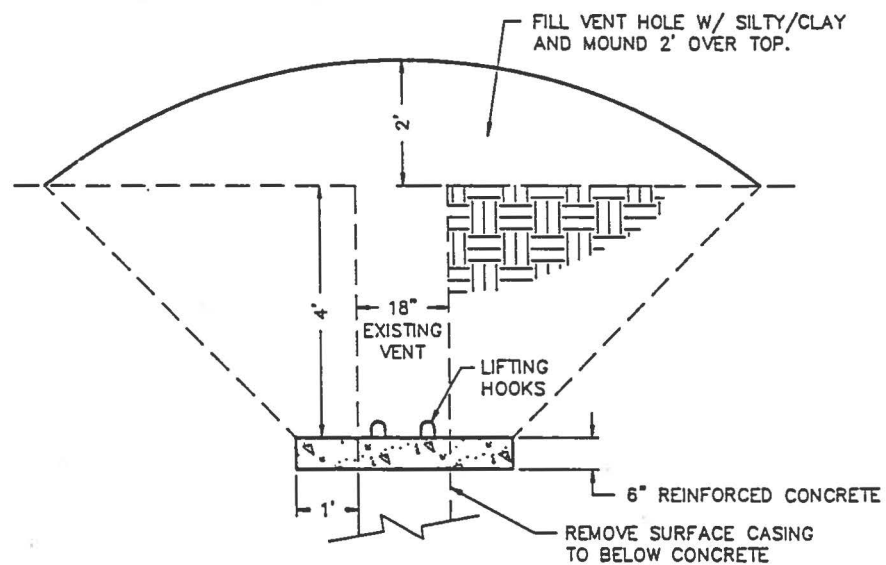
Sincerely,

A handwritten signature in dark ink, appearing to read "Robert E. Ivey", written over a horizontal line.

Robert E. Ivey
Contracting Officer

cc: J. Lyle, DOE/ID
R. Churan, DOI
M. Olsen, DOE/ID
V. Tonc, Geotech

Drawing 1



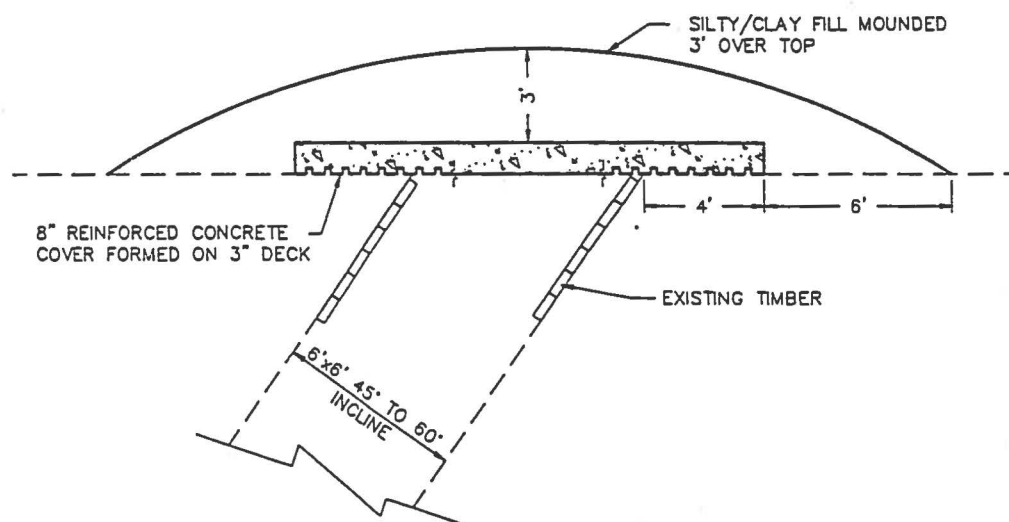
VENT HOLES CLOSE-UP TYPICAL CROSS SECTION

N.T.S.

NOTE: TYPICAL FOR TWO VENT HOLES

HAYSTACK BUTTE, NEW MEXICO
LEASE NO. NM-B-1

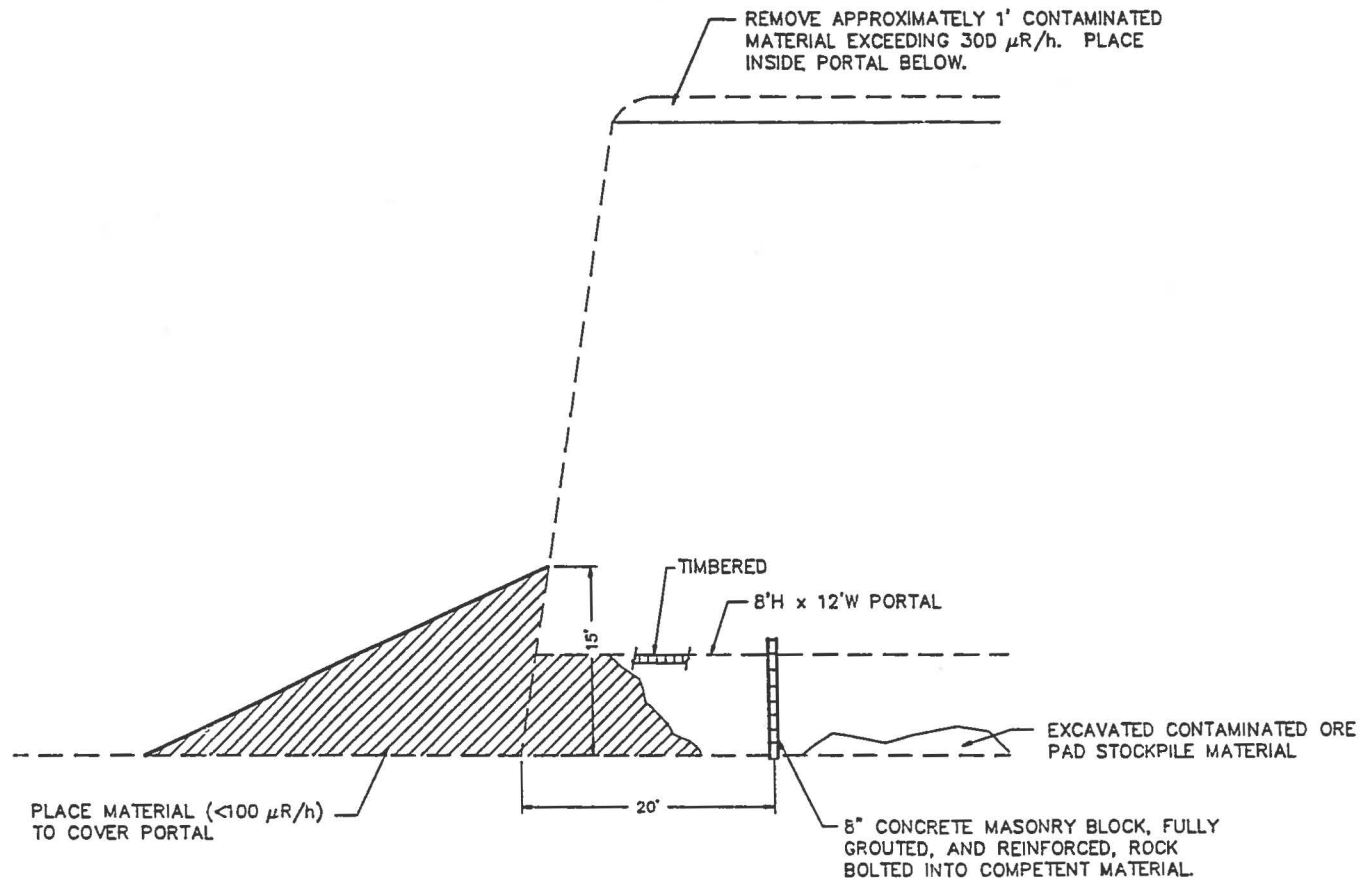
Drawing 2



RAISE CLOSURE TYPICAL CROSS SECTION

N.T.S.

Drawing 3



PORTAL CLOSURE TYPICAL CROSS SECTION

N.T.S.

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LEASE NO. NM-B-1